

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: October 28, 2008

Signature:



(William A. Di Bianca)

RECEIVED
CENTRAL FAX CENTER

OCT 28 2008

Docket No.: SPINE 3.0-437 CPCPCPCPCPCPC I CON V
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: :
Errico et al. :
Application No.: 10/663,486 : Group Art Unit: 3738
Filed: September 16, 2003 : Examiner: B. E.
For: INTERVERTEBRAL SPACER DEVICE :
HAVING RECESSED NOTCH PAIRS FOR :
MANIPULATION USING A SURGICAL :
TOOL

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER RULE 312

Dear Sir:

In response to the Notice of Allowance and Examiner's Amendment dated July 31, 2008, Applicants submit the following amendment and remarks.

915511.1.DOC